

## Message Text

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ACTION AF-06

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 /051 W

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R 121540Z MAR 75

FM AMEMBASSY CAPE TOWN

TO SECSTATE WASHDC 4468

INFO AMCONSUL DURBAN

AMCONSUL JOHANNESBURG

AMEMBASSY PRETORIA

LIMITED OFFICIAL USE CAPE TOWN 0283

E.O. 11652: N/A

TAGS: PINT, SF

SUBJECT: SCHLEBUSCH TRIALS: KOTZE PLEADS  
SUFFICIENT CAUSE

REF: CAPE TOWN 0835 OF 1974

1. AFTER NINE POSTPONEMENTS, TRIAL OF CAPE REGIONAL  
DIRECTOR OF CHRISTIAN INSTITUTE (CI), THEO KOTZE, WAS HEARD  
IN PRETORIA MAGISTRATE'S COURT MARCH 10 AND 11. KOTZE  
JUSTIFIED HIS SEPT 1973 REFUSAL TO TESTIFY BEFORE SCHLEBUSCH  
COMMISSION INVESTIGATING CI ON GROUNDS OF "SUFFICIENT CAUSE."

2. HE SAID THAT HE SAW APPOINTMENT OF COMMISSION AS ONLY  
SLIGHTLY VEILED SAG ATTEMPT TO SILENCE CI, AND THAT HE  
BELIEVED COMMISSION MEMBERS, SOME OF WHOM HAD CRITIZED  
CI IN PUBLIC, WERE INCAPABLE OF IMPARTIAL JUDGMENT. OTHER  
REASONS FOR HIS REFUSAL TO TESTIFY WERE THAT WITNESSES HAD NOT  
BEEN ALLOWED LEGAL REPRESENTATION, NOR PERMITTED TO CROSS  
EXAMINE OTHER WITNESSES, AND THAT THE COMMISSION HAD  
CONDUCTED ITS PROCEEDINGS BEHIND CLOSED DOORS.

3. GOVERNMENT LAWYERS ARGUED THAT KOTZE HAD NOT SHOWN  
SUFFICIENT CAUSE. THEY ASSERTED THAT CITIZENS ARE OBLIGED  
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TO TESTIFY BEFORE A COURT OF LAW AND SIMILAR DUTY EXISTS

FOR GIVING EVIDENCE BEFORE PARLIAMENTARY APPOINTED COMMISSION. GOVERNMENT ALSO CONTENTED THAT, ACCORDING TO LAW, COMMISSION NOT OBLIGED TO GRANT RIGHTS OF LEGAL COUNSEL AND CROSS EXAMINATION TO WITNESSES.

4. JUDGMENT IN CASE HAS BEEN POSTPONED UNTIL MAY 12.

5. MEANWHILE, ACCORDING TO CAPE CI SOURCE, BEYERS NAUDE IS IN PROCESS OF RE-APPEALING HIS CONVICTION TO SUPREME COURT. THAT COURT HAD PREVIOUSLY REJECTED HIS ASSERTION THAT REFUSAL TO TESTIFY JUSTIFIED BECAUSE FULL COMMISSION OF INQUIRY HAD NOT BEEN PRESENT AT HEARING (REFTEL). NAUDE'S CURRENT APPEAL WILL BE BASED ON SAME "SUFFICIENT CAUSE" ARGUMENT OFFERED BY KOTZE.

6. CI SOURCES STILL EXPECT GOVERNMENT TO DECLARE IT AN AFFECTED ORGANIZATION. CI CAPE TOWN OFFICES ARE TRIMMING STAFF AND SELLING SOME PROPERTY (MICROFILM MACHINES, ETC.) TO BUILD UP FINANCES FOR WHAT THEY VIEW AS ALMOST CERTAIN COMING CRUNCH.  
HURD

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NNN

## Message Attributes

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